



Setting Standards for Excellence

EXHIBIT 5
DATE 3/13/09
SB 424

The Association of Electrical and Medical
Imaging Equipment Manufacturers
www.nema.org

January 28, 2009

RE: NEMA Support for Montana Mercury Thermostat Legislation

To Whom This May Concern:

The National Electrical Manufacturers Association (NEMA) is the principal trade association representing the US electrical products industry. In 1998, three members of the NEMA residential climate controls section – Honeywell, White-Rodgers, and GE – formed the Thermostat Recycling Corporation (TRC), a nationwide non-profit designed to facilitate recycling of mercury-added thermostats. The TRC now has more than 20 corporate members and is the only national program of its kind in the US. (Please see www.thermostat-recycle.org for more information.)

I am writing on behalf of the TRC's founding member companies to express support for thermostat legislation being crafted by Women's Voices for the Earth in cooperation with Honeywell. I have participated in some of the dialogue that took place during the development of this bill and was very encouraged by the cooperative nature of the discussions. The process led to a consensus on the key elements of the bill, which NEMA believes will create a sensible framework for enhancing thermostat collection in Montana without placing an inordinate burden on manufacturers that long ago chose to do the right thing.

I therefore respectfully ask that you consider supporting this legislation, which will have the backing of industry and key elements of the Montana environmental advocacy community. I commend WVE for their cooperative approach and willingness to work with manufacturers to balance the interests of all parties.

If you have questions or would like to discuss this issue further, I would be pleased if you would contact me at 703-841-3249, or mar_kohorst@nema.org. Thank you for your consideration.

Sincere regards,

Mark A. Kohorst
Senior Manager, Environment, Health & Safety



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Sincere regards,

A handwritten signature in black ink, appearing to read "Mark A. Kohorst", with a stylized flourish at the end.

Mark A. Kohorst
Senior Manager, Environment, Health & Safety

Testimony

SB 424

Robin Cunningham, Executive Director
Fishing Outfitters Association of Montana, FOAM

Chairman Noonan, members of the committee:

The Fishing Outfitters Association of Montana urges your support for SB 424.

Other proponents have outlined the substantial dangers associated with mercury in Montana's waters and its potential to harm persons who consume contaminated fish from a long list of lakes and reservoirs found to contain mercury. I'd like to add a personal anecdote.

I remember a client, Bev, a young mother I once took fishing near Hebgen Lake. During a lull in the fishing, she mentioned that she was so happy with her newborn, she and her husband were looking forward to adding another child to their new family. Other topics followed, including talking about what kind of fish she might catch, how they were probably native to the area, how they thrived in our clean waters and so on. She said she wanted to keep some fish to eat with her family later that evening.

Having testified in a previous legislative session about mercury being found in local waters, including Hebgen Lake, I was hesitant to expose her to the remote possibility of contamination and suggested we try another section of the Madison river for fish to keep. Bev immediately said we had to go elsewhere, the concern showing in her face as we hiked downriver.

She related that her sister had eaten fish from a lake back east and become chronically ill with mercury poisoning. Bev was worried that she, too, might eat some 'bad' mercury-laden fish, retain the mercury, and harm any future children she might have.

This incident spurs my testimony today. My brief warning to this client changed our day and eroded her enjoyment. Even the remote chance of mercury poisoning was enough to stall our trip. I won't soon forget her story, and I hope it serves to convince you that the prohibitions, collection and disposal measures contained in SB 424 are not unnecessary burdens, but actions warranted by my young client's concerns. The risk is real, and the benefits of mercury control obvious.

I'd like to thank Senator Barkus for carrying this preventive legislation, and join the other members of our association in requesting a 'do pass' vote on SB 424.

Robin Cunningham
FOAM

Members of the Montana State Senate
Montana Senate
PO Box 200500
Helena, MT 59620-0500

Members of the Montana House of Representatives
Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400

March 13, 2009

Dear Members of the 61st Montana State Legislature,

We, the undersigned—a diverse constituency representing the interests of businesses, industry, hunters and anglers, labor unions, environmental organizations, health care providers, and women and children—wish to ask for your support of **SB 424**, which was developed in conjunction with Honeywell, one of the largest manufacturers of thermostats in the United States, to reduce mercury pollution associated with the disposal of mercury-added thermostats.

Mercury thermostats represent the largest amount of mercury used in ordinary household products. Mercury-added thermostats alone contribute 6-8 tons of the solid waste releases of mercury in the United States. **Of the 63 million mercury-containing thermostats in use, 2-3 million are disposed of each year, but only 4% are recycled.** This bill will help to protect public health by establishing a collection program for these thermostats, thereby diverting hundreds of pounds of mercury from entering our Montana environment. Specifically, SB 424 will:

- Ensure proper disposal through a manufacturer designed program that will require manufacturers of mercury-containing thermostats sold in Montana to establish a collection and recycling program
- Encourage the return of mercury-added thermostats by developing educational materials for use in outreach to contractors, service technicians and homeowners
- Provide valuable data to the DEQ that will include number of thermostats collected, estimated amount of total mercury collected, evaluation of the effectiveness of the program, and accounting of administrative costs
- Establish thermostat collection sites at wholesale locations. Wholesalers that do not act as a collection site will be unable to sell thermostats in the state
- Encourage contractors who install heating, ventilation, and air conditioning components to dispose of mercury thermostats at a recycling collection center
- Discontinue the sale of mercury-containing thermostats

SB 424 will protect public health. Mercury is a persistent, bioaccumulative toxin and a potent neurotoxin. Health effects in children exposed to mercury include neurological disorders such as learning disabilities, developmental retardation and memory and vision impairment. Mercury is passed from a mother to a developing child in the womb or through breastfeeding. In adults, mercury exposure can cause fatigue, joint pain and mental instability; high levels of exposure can damage the heart, nervous system or kidneys. The primary source of human exposure is through the consumption of mercury-contaminated fish.

One in 6 women in the United States has high enough levels of mercury in their blood to put their infants at risk for neurological disorders. Native American populations are especially vulnerable to mercury exposure because, on average, they have higher rates of fish consumption.

SB 424 is a common sense approach to reducing mercury pollution by preventing a known neurotoxin from entering Montana landfills. It is estimated that over the lifetime of a statewide collection program, hundreds of pounds of mercury in thermostats currently in use in Montana will be diverted from entering the solid waste stream.

SB 424 will protect Montana's environment and fishing industry. Montana has issued a statewide fish advisory in part because of high levels of mercury pollution in local fish. Once released to the environment, mercury accumulates or biomagnifies in the food chain. In other words, larger fish tend to have higher levels of mercury because they eat many smaller fish that are contaminated with the toxin. This represents a threat not only to human health, but also the state's \$300 million/year recreational fishing industry—a vital contributor to Montana's economy.

SB 424 is a cost-effective approach to reducing mercury pollution. A mandated thermostat collection program is a sensible, cost-effective measure that will help to protect human health and the quality of our state's precious water bodies. The bill promotes product stewardship by establishing a manufacturer designed and run program, thus the cost to government for implementation is significantly reduced. In fact, a fiscal note was not required in the majority of states where similar legislation has passed.

This bill is a fiscally responsible approach to reducing mercury pollution from the largest source of mercury in products: thermostats. As members of the Montana State Legislature, you have been called upon to support SB 424. This bill's passage will directly lead to the reduction of mercury pollution in Montana, thereby protecting human health and the integrity of our water bodies.

Sincerely,

We, the undersigned, endorse the content of this letter and encourage the State of Montana to pass SB 424. We believe this act will help protect Montana's women and children from the harmful effects of mercury pollution and serve to protect Montana's environment from this dangerous toxin.

Honeywell

National Manufacturers Electrical Association (NEMA)

Thermostat Recycling Corporation (TRC)

The Association of Montana Public Health Officials (AMPHO)

The Montana Public Health Association

Missoula County Health Board

Missoula Water Quality Advisory Council

Dr. Andrij Holian, Director, Center for Environmental Health Sciences, University of Montana

Clark Fork Coalition

Montana Carpenters Union

Ironworkers Local #14

Missoula Area Central Labor Council

Montana River Drifters

Montana Trout Unlimited

Sierra Club

Fishing Outfitters Association

SAVE (Student Advocates for Valuing the Environment)

Montana Women Vote

NARAL

Planned Parenthood of Montana

Bridger Clinic, Bozeman

Women's Voices for the Earth

Missoula Area Central Labor Council

Granite, Mineral, Missoula, Ravalli Counties

Affiliated with the American Federation of Labor and Congress of Industrial Organizations

208 East Main Street ♦ P.O. Box 8122 ♦ Missoula, Montana 59807

January 14, 2009

To Whom It May Concern:

The Missoula Area Central Labor Council (MACLC) supports the controlled disposal of mercury thermostats designed to reduce mercury pollution, and has endorsed the bill LC0063 that seeks to accomplish the same.

The common sense approach that this bill takes by establishing a collection program for mercury thermostats is a responsible approach to reduce mercury pollution in our waters.

The MACLC encourages the Montana Legislature to pass this legislation. We believe this act will help protect Montanan's from the harmful effects of mercury pollution and serve to protect Montana's environment from this dangerous toxin.

Sincerely

s/Mark Anderlik, President MACLC

**A RESOLUTION OF SUPPORT FOR LC0063
THE "MERCURY THERMOSTAT COLLECTION ACT"
(for 2009 MONTANA LEGISLATIVE SESSION)**

WHEREAS, mercury that is released into the environment can accumulate in aquatic ecosystems, where it is transformed into methyl mercury, the most toxic form of mercury; and,

WHEREAS, methyl mercury bioaccumulates and biomagnifies in fish and exposes humans when fish are consumed; and,

WHEREAS, mercury has been found at elevated levels in fish in many water bodies in Montana, including lakes and streams in Missoula County, and some of these levels exceed levels at which consumption limitations are advised; and,

WHEREAS, mercury is a potent neurotoxin which has been found to cause neurological and developmental problems, especially in fetuses and young children; and,

WHEREAS, the CDC estimates that 300,000 to 600,000 babies are born in the U. S. each year with mercury levels elevated enough to cause lowered IQ in later life; and,

WHEREAS, mercury thermostats contain an average of 4 grams of mercury each, and the total amount of mercury sold in thermostats annually in the U.S. is approximately 15 tons (2004) representing about 13% of the mercury used in all products; and,

WHEREAS, an industry-sponsored program to collect and recycle mercury thermostats is available in the U.S.,

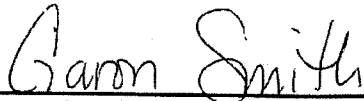
WHEREAS, this bill would provide a convenient way for individuals and businesses to safely dispose of mercury thermostats, and promote the dissemination of information about proper disposal; and,

WHEREAS, this bill would reduce the disposal of mercury thermostats in landfills and the release of mercury to the environment; and,

WHEREAS these benefits would be effected at reasonable cost to businesses and manufacturers,

NOW THEREFORE, BE IT RESOLVED THAT THE MISSOULA WATER QUALITY DISTRICT BOARD SUPPORTS LC0063, THE "MERCURY THERMOSTAT COLLECTION ACT"

Dated this 18th day of December, 2008



Garon Smith, Chairman

RENEWABLE ENERGY CREDIT for One Megawatt Hour of Electricity

Produced by:

Pan American Wind Energy
on March 13, 2009

Sold to:

NorthWestern Energy
on March 13, 2009

EXHIBIT 6
DATE 3/13/09
SB 403